

UNITD STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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MILES LACROSS,

Civil No. 10-3922 (JNE/LIB)

Plaintiff,

vs.

CITY OF DULUTH, a Minnesota Municipality;  
Officer ANTON MARC, individually and in  
his capacity as a Duluth Police Officer;  
Sgt. DAN FOGERTY, individually and in his  
capacity as a Duluth Police Officer; Lt. DAN  
CHICHOS, individually and in his capacity as  
a Duluth Police Officer; and Unknown/Unnamed  
Police Officers of the City of Duluth;  
ST. LUKE'S HOSPITAL, a Minnesota Entity;  
and PETER M. STENEHJEM, M.D.,

Defendants.

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**AMENDED  
STATEMENT OF THE CASE  
OF DEFENDANTS ST. LUKE'S  
HOSPITAL OF DULUTH AND  
PETER M. STENEHJEM, M.D.**

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**Part 1: A Concise Statement of Defendants St. Luke's Hospital of Duluth and Peter M. Stenehjem, M.D.'s Version of the Facts of the Case:**

This case arises from the medical care and treatment provided to Plaintiff Miles Lacross on September 17, 2006 and September 19, 2006. Defendants St. Luke's Hospital and Dr. Stenehjem assert said medical care and treatment complied with the applicable standard of care.

**Part 2: A Listing of Particularized Facts Which Support Defendants St. Luke's Hospital of Duluth's and Peter M. Stenehjem, M.D.'s Claimed Defenses:**

Defendants St. Luke's Hospital and Dr. Stenehjem allege Plaintiff Miles Lacross' injuries are the result of his own actions/inactions and/or the actions/inactions of others over whom Defendants St. Luke's Hospital and Dr. Stenehjem had no control. Further, Defendants St. Luke's Hospital and Dr. Stenehjem allege Plaintiff Miles Lacross failed to comply with

Section 145.682, Subdivision 3(a),(b) of the Minnesota Statutes. In addition, Section 145.682, Subdivision 2(2), of the Minnesota Statutes requires Plaintiff Miles Lacross to serve an Affidavit of Expert Identification within 180 days of serving the Summons and Complaint or his medical malpractice claim is subject to mandatory dismissal pursuant to Section 145.682, Subdivision 6, of the Minnesota Statutes. In the event the medical malpractice claim is dismissed, the remaining claims against Defendants St. Luke's Hospital and Dr. Stenehjem should also be dismissed.

REYELTS BATEMAN & SCHRAMM, PLLC

Dated: February 17, 2011.

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